
DEFINITIONS

Administrative employee - means an employee who receives at least \$250.00 a week and whose primary duty is non-manual work directly related to management policies or general business operations.

Advertisement and invitation to bid - means a notice requesting participation in making an offer or proposal of a price on a state project.

Apprentice - means a construction mechanic whose apprenticeship is registered with the Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor.

Award date - means the date that the Director of State Administrative Board approves the construction project through the Department of Management and Budget; the date that the Director of Transportation signs the transportation project contract; or the date the school district or other contracting agent signs the contract with the contractor.

Commissioner - means the Department of Labor and Economic Growth. [Sec. 1(d)] or designee.

Complaint - means a written statement alleging non-payment of the prevailing rate on a state project covered by Act 166.

Complainant - is a person or entity that files a written complaint with the department alleging a violation of Act 166.

Construction mechanic - means a skilled or unskilled mechanic, laborer, worker, helper, assistant, or apprentice who is employed by a contractor and is working on a state project but shall not include executive, administration, professional, office, or custodial employees.

Contracting agent - means any officer, school board, board or commission of the state, or a state institution supported in whole or in part by state funds, authorized to enter into a contract for a state project or to perform a state project by the direct employment of labor. [Sec. 1(c)]

Contract - means any signed written agreement, which is subject to the Prevailing Wage Act. (See Sec. 2)

Contractor - means an individual, sole proprietorship, partnership, association, or corporation that is awarded a contract or performs construction work on a state project.

Fringe benefits - means contractor/subcontractor funded; vacation pay, holiday pay, health and welfare contributions, medical insurance, pension or retirement contributions, a bonus, profit sharing distribution, life insurance, contributions to an employee's annuity fund or tax deferred savings plan, education or training fund contributions, scholarship contributions, supplemental employment fund contributions, or other bona fide fringe benefits.

Locality - means a county, city, village, township, or school district in which the physical work on a state project is to be performed. [Sec. 1(e)]

On behalf of - means acting with signed, written authorization from a construction mechanic or a notice of representation by an attorney as an agent or representative of the construction mechanic.

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Overtime - means hours worked exceeding standard daily or weekly hours as provided in the prevailing wage rate schedule e.g., 8, 10, 12, or 40.

Prevailing rate - means the rate established by the department, which is composed of the hourly wage rate and fringe benefits for straight time, overtime, or premium pay as contained in a collective bargaining agreement or determined by public hearing.

Project contractor - means any contractor who agrees to perform construction work on a state project.

State project - means new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent. [Sec. 1(b)]

Third party - is a person or entity, other than a construction mechanic, that files a written complaint with the department alleging a violation of Act 166.

Written contract or written policy - means a written employment contract, a collective bargaining agreement, an employment policy, an employment handbook, an employment letter or written document that applies to a construction mechanic and identifies a fringe benefit and defines the terms and conditions under which the fringe benefit is earned and paid.